

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #5	CCRB Case #: 201904817	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/06/2018 6:10 AM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 8/6/2019	EO SOL 8/6/2019	
Date/Time CV Reported Mon, 04/22/2019 7:41 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/22/2019 7:41 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SDS David Cheesewright	01990	913752	INT CIS

Officer(s)	Allegation	Investigator Recommendation
A.SDS David Cheesewright	Abuse: Sergeant David Cheesewright entered § 87(2)(b) in Brooklyn.	
B.SDS David Cheesewright	Abuse: Sergeant David Cheesewright searched § 87(2)(b) in Brooklyn.	

Case Summary

On April 22, 2019, § 87(2)(b) filed this complaint while providing a phone statement for another CCRB complaint.

On February 6, 2018, at approximately 6:10 a.m., officers forcibly entered and searched § 87(2)(b)'s residence at § 87(2)(b) in Brooklyn, while executing a search warrant obtained by Sergeant David Cheesewright of the Criminal Intelligence Section (**Allegations A-B: Abuse of Authority, § 87(2)(g)**). The officers arrested § 87(2)(b)'s son, § 87(2)(b) for § 87(2)(b) (BR01).

The investigation did not obtain video evidence in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant David Cheesewright entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Sergeant David Cheesewright searched § 87(2)(b) in Brooklyn.

In her in-person statement, § 87(2)(b) recounted that officers made forced entry into her apartment, and that they damaged the apartment door while doing so (BR02). They conducted an extensive search throughout the residence, but they did not cause any additional property damage. § 87(2)(b)'s son, § 87(2)(b) was present, along with two of her grandsons, § 87(2)(b) and § 87(2)(b). During the course of the forced entry, officers used profanity while issuing orders to the apartment occupants. Specifically, an officer told § 87(2)(b) “Get the fuck down on the floor and put your hands up.” Officers also told § 87(2)(b) “Get the fuck down,” and, “Shut the fuck up.”

The investigation confirmed that Sgt. Cheesewright obtained a search warrant for § 87(2)(b)'s residence on the day before the incident (BR03). The warrant had warrant/docket number § 87(2)(b), and was signed by the Hon. § 87(2)(b). § 87(2)(b)'s arrest report also notes that he was arrested by officers during the execution of a search warrant (BR01).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- Sgt. David Cheesewright has been a member of the NYPD for 28 years and has been a subject in 35 CCRB complaints and 78 allegations, of which 16 were substantiated:
 - #200202002 involved substantiated allegations of physical force, vehicle search, and threat of force against Sgt. Cheesewright. The Board recommended Charges, and Sgt. Cheesewright was found not guilty at trial.
 - #200202912 involved substantiated allegations of question and/or stop, frisk and/or search, vehicle stop, and refusal to provide name and/or shield number against Sgt. Cheesewright. The Board recommended Charges. Sgt. Cheesewright was found not guilty at trial of the question and/or stop and refusal to provide name and/or shield allegations, and was found guilty of the remaining allegations. The NYPD imposed Instructions.
 - #200205206 involved substantiated allegations of frisk and/or search, vehicle stop, vehicle search, and retaliatory summons against Sgt. Cheesewright. The Board recommended Charges, and the charges were dismissed by the Deputy Commissioner of Trials.
 - #200600042 involved substantiated allegations of gun drawn, entry and/or search, and property damage against Sgt. Cheesewright. The Board recommended Charges, but the NYPD took no disciplinary action.

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- On July 25, 2019, the undersigned requested a copy of any Notice of Claim filed regarding the incident with the NYC Comptroller's office. As of the date of this report, no response has been received. The response will be added to the case file upon receipt.
- In the criminal case resulting from his arrest in this incident, § 87(2)(b) [REDACTED] was convicted of disorderly conduct and was sentenced to time served (BR05).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- The BADS database shows no unsealed arrests for § 87(2)(b) [REDACTED] or § 87(2)(b) [REDACTED]. As a result, a search for prior criminal convictions for those individuals was not performed.

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date